IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

Crl.Rev.Pet.No. 1619 of 2006()

CRA.60/2002 of ADDL. DISTRICT & SESSIONS COURTS (ADHOC), FAST TRACK MAVELIKKARA
CC.92/1999 of JUDL.MAGISTRATE OF FIRST CLASS-I, CHENGANNUR

REVN. PETITIONER: APPELLANT/ACCUSED

PETER P.MAMMEN, AGED 58 YEARS,
S/O.MAMMEN, POOVANVELIL HOUSE,
NIRANAM PADINJARU, NIRANAM VILLAGE,
THIRUVALLA.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS: RESPONDENT/COMPLAINANT AND STATE

1. RAJAN JOSEPH, POOVATHUR HOUSE,
MUNDANKAVU MURI, CHENGANNUR VILLAGE.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R1 BY ADV. SRI.E.N.VISHNU NAMBOODIRI
R2 BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 24/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

CRL.R.P.NO. 1619 OF 2006

Dated this the 24th day of November,2006

O R D E R

The petitioner was convicted under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for a period of six months and to pay a fine of Rs.5,000/- and in default of payment of fine, to undergo simple imprisonment for three months. The accused was also directed to pay compensation of Rs.80,000/- under Section 357(3) of the Code of Criminal Procedure. On appeal by the accused, the Appellate Court confirmed the conviction, but reduced the sentence of imprisonment as simple imprisonment for three months. The sentence to pay fine was set aside. However, the Appellate Court directed the accused to pay a sum of Rs.80,000/- as compensation to the complainant under Section 357 (3) of the Code of Criminal Procedure.

2. Crl.M.Appl.No.11679 of 2006, signed by the complainant as well as the accused and their counsel, was filed under Section 147 of the Negotiable Instruments Act. That application was allowed.

Accordingly, the Criminal Revision Petition is allowed, the conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

(K.T.SANKARAN)
Judge

ahz/

K.T.SANKARAN, J.

CRL.M.C.NO. OF

O R D E R

September, 2006